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2.

ALABAMA EXECUTIVE LETTER BOOK, NOVEMBER 17, 1821-DECEMBER 13, 1822

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Alabama Executive Department,
Cahawba 17 Novr. 1821.

The Hon: John Q. Adams
Secy of State.

Sir,

The Marshal for this District has put into my possession the accompanying return of the Census of the Counties of this State not included in his former return of the Census to the Department of State of the United States. I am informed that several other Counties have been omitted.

It being a matter of much importance to this small but growing State, that she should be fully represented out of view in estimating its relative weight in the act of Apportionment: I therefore respectfully request that ~~you~~ this return should be presented to the view of Congress in such manner as may be thought most correct, altho not returned within the period limited by law: The liberality and justice of the National Legislature will I presume make such provision as may answer to prevent the disparagement that may be produced by excluding

I have the honor &c.

Israel Pickens.

Executive Department
Cahawba 20 Nov. 1821.

Henry V. Chamberlain Esq (Mobile)

Sir,

I am directed by the Governor to enclose you a copy of the "Order & Regulations for the Port of Mobile, which have been approved & a copy returned as file in this office.

Respectfully &c.

J. J. Pleasants
Secy of State

Executive Department

Nov: 22, 1821.

Henry Hitchcock Esq^r
Attorney Genl

Sir,

Believing that the State may have some interest in the result of the several libels pending in the District Court against several rebels for violation of laws of the United States prohibiting the slave trade, especially the case of the Constitution, Merino & Cavero. I have thought it proper to ask your opinion and advice in relation to that interest, and to the course most advisable to be taken on the part of the State for obtaining it.

Your opportunities may have led you to a knowledge of each of these Cases, and of the grounds on which their Condemnation depend. You will please to give me such information as you may possess in that regard.

Your opinion is requested whether any acts of Congress give to any Captor or Libellant or other person any right in slaves taken or brought into this State, or the powers thereof, in Case of Condemnation of ships or Cargo, or in Case of any adjudication predicated on the violation of any of those acts, and what disposition the District Court can make of the slaves in any event.

Do any of the acts of Assembly authorize any officer of this State to take charge of negroes forfeited for violation of any act of Congress? Does the act of Assembly of 1815 on this subject affect the Case of Negroes brought in, in consequence of a violation of the subsequent act of Congress of 20th April 1818? Do any of the libels pending in the District Court in the Case named correspond with, or, are they in any Case to be affected by any of the provisions of the act of Assembly of 21st Novem. 1818? Do you understand the offences mentioned in the act

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of Assembly alluded to, apply to any prosecutor or libellant in the District Court, under the authority of the acts of Congress, or does this term apply to an informer or prosecutor before the State authority, for Condemnation of the negroes? What is that will constitute such information as to be entitled under the said acts of Assembly? You will please to suggest whether it is not competent for the Legislature by law or resolution to direct in what manner, the slaves in question may be disposed of in any other event than the claimants or owners obtaining them by adjudication, and to provide for demanding and taking possession of the slaves in the event of any other adjudication.

Any ideas you may deem useful on the subject to which I have invited your attention will be duly appreciated.

I am &c.

(Signed) Israel Pickens

P.S. It is said that Certain of the ~~Slaves~~ negroes have been taken to an adjoining State and sold by a person resident in Clarke County. Your opinion of the proper Course to be pursued in obtaining them or their value, or of ascertaining property upon this act is also requested.

J.P.

Executive Department
Cahawba 23rd Nov. 1821.

Sir,

On looking over the list of Tracts selected for a Seminary of Learning in this State from which a Copy has been sent to the Treasury Department or General Land Office by Mr. Rogers the late Secretary of State, one obvious error is discovered. One Section is there described "N. E. ¼ Sec 22. Township 22 Range 3. being in the late Huntsville District now in the Tuskaloosa District. You will

discover that the quarter is entirely separated from any other part of the reserve. The quarter meant is S.E. ¼ Sec 20 Town Township 4 Range. The mistake occurs in Copying from the original return of the Election. The proper quarter remains vested.

You will please to cause the proper correction to be made before the patent is issued. The Legislature is about to confirm the University and authorize a Sale of the Lands, which will make it desirable to obtain the patents at as early a period as may be convenient

I am respectfully Yr
ob Serv.
(Signd) Jared Pickens.

Hon. Wm. H. Crawford
Secy of the Treasury
Washington City

Executive Department
Cahawba Dec. 1 1821.

Sir.

I have received your letter of
the 4th. and according to the wishes of your Dept
expressed in your letter a Draft has been forwarded
this day in favor of the Treasurer obtained by the
State from the Planters and Merchants Bank of
Huntsville.

I have to request the favour of a Statement
shewing the amount due to the Bank after deducting
7 of the Loan &c.

You will also please inform me whether
it may answer your instructions to receive from the
Collector of Madison such sum out of the revenue
in his hands now due. Perhaps it may be convenient to know from the Collector at what time
payment may be certain. And this may
justify a suspension of proceedings against

5 Sirs, I have the legislature authority such ar-
rangement.

I have the hon. &c.
(signed) Joseph Pickens

LeRoy Pope Esq
Pres: Planters &
Mechs Bank
of Huntsville

Executive Department
Dec. 3rd 1821.

Sir,

You will please to lay this letter and the enclosed Copy of a law of the present Session of the Assembly before the Board of Directors.

I take this occasion of applying to your Board for the accomodation contemplated for $15.000. for one year.

I need not add that the funds pledged will be ample, and doubtless also in a Specie-paying Medium, and will be promptly refunded.

An answer is desired as early as convenient

I am &c.
(signed) Joseph Pickens

Wm Crawford Esq
Pres: Tombeckbee
Bank - at Stephens

Executive Department
Dec 4, 1821.

To Jesse Bruno Esq

In virtue of an act of Assembly passed 17th December 1819 entitled "an Act to lease certain Salt Springs" You are appointed with full power and authority

to lease the said Springs thereon aforesaid agreeably to the spirit and intention of said act, observing also the terms and restrictions of the Act of Congress allowed to therein and otherwise

(Signed) Israel Pickens.

Executive Department
Dec 4, 1821.

Isaac Bean Esq.

In executing the power of leasing the salt Springs agreeably to your appointment & the laws therein referred to, the following instructions appear proper to be observed.

1st You will advertise for ten months that persons wishing to lease may forward terms to you. These to be confidential until the close of the period for receiving them.

2nd The term of the lease from the closing of the Contract not exceed ten years.

3d The lessee must Commence fair operation within one year.

4th The lessee must engage for the manufacturing of a definite quantity of salt monthly per annum. Any person proposing to become a lessee must say what quantity this will be.

5 The person proposing to take the lease must undertake to sell at not exceeding a certain price per Bushel at the works; and if sold at any other places not exceeding that price with addition of reasonable freight.

6. Proposals should say what description of improvement should be left in repair at the end of the lease.

7 A failure in any of the Covenants to be a forfeiture of the lease: unless occasioned by unavoidable accident to be judged of

7 by the Governor & Council Agently
Signed Grace Pitkens.

N.B. The object you will observe is to ensure the greatest quantity to be manufactured and at the lowest price. The Salt Springs which have been bought & rented are in Monroe & Clarke Counties between the Alabama & Tombeckbee rivers.

Executive Department
Dec. 6, 1821.

Orders.

To the Adjutant General

Whereas by the late annual report of the Adjutant General no returns have been made to him of the strength and condition of the Militia within the year, whereby this State may be deprived of its quota of arms out of the National appropriation: Orders are therefore to be given to the several Generals or Commanders of Divisions requiring them to ascertain the several officers in default within their respective Commands, and to cause all deficiencies to be supplied without discrimination and tried by a Court Martial. They will also make report, how these orders shall have been executed.

You will also furnish a form for returns to each Commander of Division, for the purpose of uniformity, and you will order each to cause proper returns of the strength and condition of the Militia to be made to you as soon as may be, that they may be in time to be returned to the General Government before the adjournment of Congress.

The returns of Military clothing are very generally defective. They frequently omit to notice the cause of vacancy, whether

by resignation, dismissal or removal. This requisite is specified and where it happens by resignation the returns should show whether the resigning officer (if within two years after his commission) had been obtained leave of a court martial to resign. These returns are made without any uniformity, in some instances by the Sheriff to the Governor, in others by managers and in others by the meeting officer next higher in command to the officer elected.

(You will find a general order requiring uniformity therein. The officer having the writ of election to the Sheriff is the proper officer to receive the Sheriffs return, and to make it to the Secretary of State, in making this return the officer must conform to the matters above noticed, showing the matters of vacancy &c.

(Commanders of Companies knowing elections of Justices of the Peace often return irregularity in their returns. These should be made to the Clerk of the County Court and should show also the Causes of the vacancy.

It will be the Clerks duty to make returns to the Secretary of State.

Let it be known that Militia officers must expect to be answerable for irregularity or neglect of official duty even when that duty has ceased of a civil character.

(Signed) Josiah Pickens.

Copy of further order to the adjutant Generals of the same tenor of the preceding order with the rank of General officers to be determined.

The Adjutant General will make known this circular (alluding to the determination of the rank of Genl officers, for which see minute Book of H. of Reps.)

which has been made by GO, and which will apply to the officers elected at the first election since the Militia law of 1819— all general officers appointed at any subsequent elections after the first shall take rank according to date of Commission.

When a vacancy in any General Division or Brigade shall happen to next highest ~~in Command~~ Officer in rank in such Division or brigade shall Command during the vacancy, (in time of peace)

(Signed) Israel Pickens.

Alabama Executive Department
Cahawba December 13th 1821.

Sir,

Your Excellency's Communication, with the Legislative resolutions accompanying it, relative to obtaining an appropriation and authority from the Government of the U. States for locating a body with the Choctaw and Creek nations for a Cession of their lands in the States of Georgia ~~and~~ Tennessee and Alabama, have been received early in the present session of our Assembly and laid before this body with my own views of the importance of the subject.

Enclosed herewith I transmit your Excellency a copy of the resolutions of the Legislature of this State in relation to the same subject and growing out of those documents.

Any aid which can be contributed towards ~~any~~ the ~~extinguishment~~ extinguishment of the Indian Country now intercepting the social and Commercial intercourse between our States, will be very cordially ~~offered~~ yielded on the part of the Government of

this State.

It is proper that I should mention that the agent of the Creek nation expressed to me an opinion a few days ago that such cession would not probably be favored by that nation, the greater portion of which were dissatisfied with their last treaty.

I am &c

Isaac Pickens

His Excellency
John Clarke
Governor of Georgia

Executive Department
Dec 18, 1821

Jeremiah Austell Esq.

Sir

I have much pleasure in transmitting to the organ of the Legislature of this State a Copy of their resolution approved this day giving you their thanks for your heroic exertions during the late Creek war, and your gallantry in Conjunction with Brevet Brigadier General Dale in the Canoe Action on the Alabama river. I hope you may Continue long to deserve and enjoy your Country's gratitude, the highest reward of valor.

I am &c.

Isaac Pickens.

Leroy Pope Esqr. —

Sir. —

Cahawba Executive dept.
Dec 20th 1821

A Resolution has been passed to authorize the Collector of Madison and of Limestone Counties to pay the collections into the Bank of Huntsville, which if there be no deficiencies in collecting will suffice as it is believed to discharge the loan. The resolution will immediately be communicated to the Collectors, and they will be instructed

to pay the whole balance of their collections to the Bank. The failure to make a renewal it is hoped will not be understood as your Cashier will make a statement charging interest on the amounts unpaid And on being apprized of any deficiency to complete the loan, the amount will be immediately transmitted, or as soon as practicable with safety — I am Sir

Israel Pickens

Lucas: Col John M. Taylor

Sir,

I have transmitted this Mand of Arms (to your care) to Huntsville you will place one half in the hands of Capt Owens and the other in the hands of Capt. Mackey both of Huntsville should their Conpiances be completed, and should they enter respectively into bond and security as the law requires in the sum of $ 1040. for safe keeping and delivery of the arms committed. Should either or both of those Officers fail to entitle themselves as above to receive the Arms you will use your discretion in placing them in the hands of other Officers taking similar bonds. Also you will apprecent quarterly or other periods for inspecting the arms. And you will report accordingly the disposition made under this order, and the State and Condition of the arms.

yrs &c

(Signed) Israel Pickens.

Executive Department
Cahawba. Dec 30, 1841.

Sir,

Enclosed herewith is a Copy of a Resolution allowing Messrs Sledge and Barton leave to establish a Ferry through part of the Creek Nation on or near the Tuscumbia Road.

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These gentlemen appear to the Legislature for leave to make a Turnpike road, which not being in the power of this body which the Indian title Centuries they are referred to Congress. What is meant as will better that road is much needed. Your wisdom will best devise the mode whereby this purpose may be effected.

I am &c

Israel Pickens.

Hon.
John H. Walker
Senate U. S. Washington

Same as the foregoing to the
Hon. Wm R. King Senate U. S. Washington.

Same as the foregoing, to the
Hon. Gabriel Moore House of Repts U.S.
Washington.

Executive Department
Cahawba Dec 20, 1824.

The Honorable Senators
& Repts. in Congress
from Alabama
Sent.

Enclosed herewith is
a Memorial to Congress, for obtaining Consent
of that body to tax land purchased since the 1st
September 1819 - which this State is prohibited from
doing by the terms of admission of the State,
without leave of Congress. You will please present
it to Congress in Compliance with the wishes of
the Legislature expressed

I am &c

(Signed) Israel Pickens

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Executive Department
Cahawba Dec. 20, 1821.

Hon:
John McW Walker
Sir,

Enclosed herewith is a copy of a Memorial of the Legislature calling the attention of Congress to a great national object of improvement, the connexion of the Waters of Tennessee and Alabama.

You are I know fully sensible of the great advantages arising from the effecting of this design, and your prudence will best direct you as to the most advisable course for accomplishing it: at least for calling the attention of the General Government to it, that when any general system shall be undertaken this may not escape notice as a conspicuous national object

I am &c
(Signed) Israel Pickens

Same as the above to
Hon: Wm R. King

do. to Hon Gabriel Moore.

Executive Department
Cahawba 20 Dec. 1821.

Hon: W. R. King
Sir

Enclosed herewith is a copy of an act expressing the gratitude of the State to General Lafayette and a memorial to Congress on the subject of his claims

I &c
(Signed) Israel Pickens

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Same to Hon. John M. Walker.
do to Hon. Gabriel Moore.

Alabama Executive Office
Cahawba Dec 21, 1821.

H. E. Jackson, Orgn. Comm.

Sir,

The papers enclosed herewith relate to the Military claims of Col Dale a worthy citizen of this State, whose services have been eminently valuable in acc the Indian hostilities. There on those papers now before them on of your ac= counting Officers. You will please to allow any of the delegation of this state to have all the papers should they deem them necessary to use them in Congress.

The Legislature has memorialized Congress on the subject.

I am very respectfully &c.
(Signed) James Pickens

Executive Chamber,
Cahawba 26th Dec 1821

To Adjutant General
Colo Carter B Harrison

The proceedings and decision of a Court Martial held at Cahawba in July last for deciding a contested election of a Major General of the fourth Division having been left undetermined on, by the late acting Governor the Consideration of them has de= volved on the Governor for the time being as Commander in chief.

On Communicating this note, it is

proper that the grounds of the determination which have produced it, should be briefly presented; which you are authorized to publish, and to make known that the injunction of secrecy is removed from the proceedings of the Court.

The finial decision and other proceedings of the Court together with the evidence adduced in the case appear to be fully set forth in the record which has been transmitted to the office of the Secretary of State; which finial decision was "that the election is illegal."

Two points present themselves for examination in this case.

1st Was the Court legally detailed?

2nd If the Court was legally detailed, was its decision correct?

In examining either point it will be necessary to recite the section of the law authorizing this proceeding, and to notice the order of detail.

Act of December 1820. Section 8.

"In elections for Major General, or Brigadier General if any Candidate be dissatisfied he may notify the Governor and the Candidate that he intends to contest said election and shall file his reasons therefor in the office of the Secretary of State within twenty days after said election; whereupon the Governor shall forthwith issue his order to the Adjutant General directing a General Court Martial to be holden, to consist of not less than seven nor more than thirteen officers of the Division or Brigade, which shall have the power to decide."

1 Previous to this act the decision of such elections was left with the Executive alone. This section takes away his right of peremptory determination, and all direct

influence in forming the Tribunal; leaving its selection to the adjutant General. - This is the evident import and intention of the law, and was the obvious reason for the express designation of this officer to execute the order. If the formation was intended as the selecting or detailing officer, the designation of the adjutant General to communicate the order was useless: such order could without any such designation, have been lawfully communicated, either through this officer, or through one of the Executive aids, of his own appointment. The exclusion of these last officers and designation of the adjutant General, whose appointment is derived from the General Assembly, would have been unmeaning, unless there were something more than a ministerial duty to be performed in executing the order: although in the chain of military subordination the adjutant General owes to bound to obey any military order of the Executive, though not strictly proper.

The first order in this case appears to have been in strict pursuance of the law directing the adjutant General to detail a Court martial of not more than thirteen nor less than seven officers to decide the. Thirteen officers were accordingly detailed by the adjutant General, and attended to that duty.

A vacancy happening in one of the members of the Court, it was filled by the special order of the Executive, naming the officer & directing him to be detailed forthwith. - This officer thus detailed was one of the Court that made the decision. The orders of detail and the duties & determine of the adjutant General are now fully exhibit the manner of this last detail; this confirms the first ground

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of objection, affecting the legality of the Court.

If in fact this last Executive order was irregularly issued from misconception of the law or any other cause, the Governor is bound to view the irregularity as affecting the validity of the proceedings in the same light, as if it had happened through any other fundamental. It is one of the most ordinary grounds whereon judicial tribunals review their own errors and correct them.

If the order was illegal, its execution by a subordinate officer could not legalize it.

The first General order was sufficient authority to detain the Court and keep its members full, and thereby found the Executive control and authority ceased until the return of the proceedings of the Court should be made. —

2. The second point respects the merits of the decision suffering the Court to have been legally detailed.

In examining this point a preliminary question of some difficulty was at first presented, and has been the subject of very full reflection; that is if the Court be a legal one, is its decision subject to Executive revision, as are all ordinary Courts of Court Martial detailed by his order? In other terms does the 5th section of the law before recited take away this ordinary power of reviewing such decisions?

The 38th section of the same Militia law of this State expressly recognizes the rules and articles for the government of the Armies of the United States "in the Case of Militia in actual service of this State or of the United States. That officers of Militia acting as a Court Martial and bound by law to decide until legally discharged

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and in actual service of the State, can not be doubted; they were by this section entitled to pay while on such duty till the act of the last session deprived them of pay: Indeed it is from the rules and articles aforesaid, that the usual proceedings of Court Martial, are authorized without them, there is not to be found any other law whereby the most ordinary exercise of the form and powers of those Courts is to be facilitated. So is in virtue of those rules that the citation of witnesses and proceedings are to be as fully kept by a sworn officer and returned to the officer ordering the Court for his revision. The right of the Chief in Command to revise and affirm or disaffirm the decisions of Court Martial is expressly sanctioned by those rules, and by immemorial Military usage under them. Whenever the power of decision is given to a Court Martial the right of revision becomes a necessary incident, as well as all other rights and forms peculiar to such a tribunal, by the rules and articles alluded to, and by Military usage: unless there be an express exclusion thereof. The Section giving the power of decision to Colonels elections of General Officers to a General Court Martial does not give expressly any Conclusive power of decision but barely the "power to decide" and at that point the provision stops, leaving to existing Military law and usage the effect of the decision. It will be seen, that in the same law (Section 4th) Creating eligibility of Regimental and Battalion officers and to be tried by a Regimental or Battalion Court Martial, and the decision is in every case amenable. The implied exclusion of a revising power in the latter case while it is extant in the former renders the

practice, that this power is not intended in a case of the former description to be taken away.

The requisite of taking a full and faithful record of the evidence and proceedings is for no purpose unless a revision be intended; and why else require the ~~duration~~ injunction of secrecy to be sentenced until taken off by the revising officer, if the decision is to be conclusive? Yet our militia law which authorizes this proceeding requires this secrecy to be maintained until the officer ordering the Court shall otherwise direct.

From this course of examination of the subject it appears, that the primitive decision of a contested election belongs to a Military Court, on the decision of which the Executive has no control; but that the power of revising that decision belongs to that officer in his Military Capacity of Commander in Chief: Official power and duty as Supernumerary. In exercising this duty the following brief view of the proceedings is taken.

The returning sheriff has certified the majority from all the Counties that had made any returns to be fifteen votes in favour of one Candidate.

The grounds or reasons for contesting are four:— these in their order,

1st A volunteer troop of Cavalry exists, who have never been Commissioned.

The Court decided, that an Officer elected and qualified is entitled to vote without being Commissioned; and that a volunteer Company have the same privilege in this respect as any other Militia Company, virtually over-ruling this ground; if it has been sustained, three votes should be deducted from the majority.

2nd Several officers voted who had formerly resigned.

No evidence in support of this ground appears excepting as to one voter, Capt. Shelton, who had handed to the Major his resignation and afterwards retracted, and was to some extent recognized as Continuing in Command.

3rd Staff Officers voted.

In support of this ground, one voter, Capt Mines, who was a Captain in the line, and at the time of the election acted in Command of a Militia Company was appointed a Brigade Major and was such at the time of the Election, this being a Staff Officer. This ground as applies to Capt. Mines, the Court properly over-ruled.

4th In some Counties officers were allowed to vote without Commission, in others not.

In support of this ground evidence was given, that the votes of six officers who had not been Commissioned, to wit. D. Hamlet, J. Riley, Capt. Hiles, Lieut. Jackson Lieut. Cockran and Ensign Lewis were rejected. It does not appear how these officers were disposed to vote, but supposing them to be in favour of the Contesting Candidate the effect would only have been a reduction of their votes from the Majority, as no evidence appears of any other rejection.

From all the evidence upon these grounds of Contest, a definite number of votes are applied to, all of which being deducted from the Majority would still leave a Majority.

The mere omission of unqualified votes or rejection of qualified ones, Can not render the election illegal, when

the number will not affect the result, otherwise few elections of any kind could be legal.—

On a full consideration of all the proceedings and orders in the Case, the decision of the Court Martial is disapproved and set aside.

Wherefore the Adjutant General is Ordered to detail a General Court Martial to decide the said Contested election for a Major General of the fourth Division, observing the requisites by law in such Case provided...

By Order of the Governor
(signed) J. M. Taylor
Aid-de-Camp.

P.S. You will give the parties Concerned due notice.

Executive Department
Oahu 22nd Dec 1851.

Sir,

Your letter is received. It answer was deferred to await the result of the measures on the subject of internal improvement by the Legislature.

No additional measures are adopted authorizing additional expenditures in examination of our streams.

I propose to proceed under the law of 1849 when the state of the rivers will permit to examine those | points of the greatest practical usefulness so | far as the unexpended appropriation will extend (about $ 2250). The proposed Commencement will be at M Grew's House near Mr Hopkins ascending to Kuikaloa, also up the Tamaklee Branch

as far as Pattahoochee or Bottom Yarn Post. The portions of the river out of the State will not be viewed with such particular exactness, but sufficiently so to afford a general knowledge of them.

It is most probable the State will need your services. And I will be happy to see you when it may be perfectly convenient to you. I will be found generally here at my new residence in Green County. You must be apprized from the nearness of the means in my power that home economy must be used to make them useful to any great extent.

I have examined a report made by Mr. Farrel to the late Legislature on the river he has made of the Pattahoochee and I have requested him to exhibit his report to your inspection, and should it be convenient for you to test some one or more of his calculations, I will be thankful if you will do so. That gentleman has been at great pains and is unrewarded. The object of giving you a new of his work is to be enabled to judge of the practicable usefulness of his labours to the State, that the Legislature may appreciate them, and do him justice

I am &c

Israel Pickens

William Terry Esq.

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Executive Department
Janry 15, 1822.

The Quarter Master General

William Peacock Esq.

Sir

You will deliver to Colo. Edmund Lane so many stand of Arms as he may deem necessary to arm Capt. Whites Company; the arms formerly in possession of that Company to be a part thereof

Jrs. P.G.
(Signed) Israel Pickens

Executive Department
Janry 18, 1822.

Sir,

I have ordered the Quarter Master General to deliver to your order so many stand of Arms as may be necessary to arm Capt. Whites Volunteer Company, the arms already detailed to that Company to compose a part thereof.

You will first inspect the arms already in the hands of the Company, and take bond and sufficient security (estimating them worth $20 each) for safe keeping and delivery of the Arms when required. Also you will attend Quarterly or other periods for inspecting the Arms, and you will report accordingly the disposition made under this order and the state and condition of the Arms.

Jrs P.G.
(Signed) Israel Pickens

Lieut: Col Edmund Lane

94 Proportion of the act of the General Assembly to which each County is entitled under the Census of 1821.

Montgomery	78		776
Pike	15	Pibb	55
Henry	18	Shelby	40
Covington	15	St Clair	96
Conecuh	60	Decatur	60
Butler	15	Jackson	60
Wilcox	36	Madison	240
Monroe	100	Limestone	130
Baldwin	20	Lauderdale	80
Mobile	35	Franklin	65
Clarke	60	Lawrence	100
Washington	43	Morgan	84
Marengo	42	Blount	42
Greene	60	Jefferson	53
Perry	52	Tuscaloosa	108
Dallas	721 80 776	Marion	18
		Pickens	20 1292 807 2099

Total number of Copies sent 2099

To Messrs Jno. McElroy & M. D. Thomason
Gentlemen,

Above you have a list of the several Counties in this State, opposite each is the number of Copies of the Act of the General Assembly to which each is entitled. You will deliver them to the respective Clerks of the County Courts throughout the State, and procure to me, their receipts for the same — In the newly created Counties, of which numbers are those of Pike, Covington & Decatur and perhaps some others, in which County Court Clerks have not

N5

been elected, you will deliver them to the Judges of the County Court; or, if it should be inconvenient to deliver to the Judges, you will deposite them with some reputable person (a Justice of the Peace would be preferred) at the place designated for the seat of Justice of any such County; requesting the person with whom they may be deposited to make known the same, — taking receipts in all Cases.

And upon the production of the receipts as aforesaid, you will be entitled to receive from the Treasury of this State, the sum of three hundred & twenty five dollars.

I am &c

Jo. J. Pleasants (Gov. Va.)

Secretary of State's Office
Feb. 8, 1822.

Secretary of State's Office
Cahawba 15 Mar. 1822.

James Dowdy Esq. Clk County Court of Jefferson

Sir,

Enclosed you will receive from Commissions for Justices of the Peace in the County of Jefferson. The Commission for Mr. Cowan is not forwarded, in Consequence of Mr. Erwin having signified his intention to contest the election — and as there is no Law, providing for the decision of Contested Elections of Justices of the Peace, the case will have to lie over until the meeting of the General Assembly — or at least for the present, that Mr. Erwin may have a fair opportunity to substantiate the grounds of Contest.

Yr Obt.
Jo. J. Pleasants
Gov. of Ala.

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Alabama

Executive Office

Cahawba 18 March 1822.

Sir,

I have herewith enclosed a copy of an act passed at the last session of the General Assembly of this State incorporating a State University and investing it with the lands reserved by Congress for endowing a Seminary of learning in this State. The trustees are among other things empowered to make sale of the lands and a meeting of the board is shortly to take place. Hence will be perceived the importance of having the tracts comprising the reservation definitively known at as early a period as practicable and designated by some official instrument.

In your letter of the 4th of August last to the late Acting Executive of this State you have said that the Selections made by the State would be sanctioned when the descriptive list to be forwarded by the Secretary of State should be received (with the exception of a quarter section allowed to the Connecticut Asylum.) The particular quarter thus excepted your letter did not designate. Nor can I ascertain it by reference to the Correspondence on the subject.

Lest the descriptive list forwarded last January by the Secretary of State may not have safely reached your department, a copy is herewith enclosed.

It is to be remarked that the contents of several of the Fractional Sections have only been estimated.

It is necessary to inform you that several quarter Sections of the lands contained in the list of Selections, lying formerly in the Huntsville District, now in the Tuskaloosa District have been sold at the Public Sale

Sales last face; The Register of that office not having notice that those tracts were reserved. And joined is a list of the quarters they sold.

It is a matter of some interest to the State, that it should be known as early as convenient what disposition will be made of these tracts.— whether the sale will be annulled or confirmed. If the former, like the case the selection will have been nearly completed. Otherwise, it will be desirable on the part of the State to reselect as soon as practicable to fill the complement.

With this view of the selection of the selections and of the proceedings of the Legislature for making the reselection, and realizing the benefits of the National endowment allowed for it, you may imagine the solicitude which is felt that the several subjects of this letter should meet with an early attention

Hon Wm H. Crawford Secretary of the Treasury

I have the honor &c
(Signed) Josiah Pickens.

Lands selected for the endowment of the State University, and sold by the Register of the Land office at Tuskaloosa. viz:

Range 2 Township 22— Sec 6 N. 6. E. 6th P. M. 90 acres
Range 3 Township 22— E. 6 W. th N. 91 acres
" " " Sec 2. N 6. E. M 91 acres.
" " " Sec 3 E 91 acres.
" " " Sec. 22 E 91 acres, entered.

No 8

Proportion of the Journal of the Senate, and of the House of Representatives of the State of Alabama, to which each County is entitled under the Census of eighteen hundred and twenty one.

Counties	Senate	H. of R.	Counties	Senate	H. of R.
Autauga	15	22	Shelby	14	20
Pike	7	10	St Clair	21	31
Montgomery	24	35	Decatur	19	28
Henry	7	10	Jackson	19	28
Covington	7	10	Madison	72	106
Conecuh	24	35	Lamestown	35	51
Butler	5	6	Lauderdale	25	37
Wilcox	11	17	Franklin	17	25
Monroe	31	46	Lawrence	29	43
Baldwin	7	10	Morgan	26	38
Mobile	13	19	Blount	14	20
Clarke	19	28	Jefferson	26	38
Washington	13	19	Tuskaloosa	32	46
Marengo	13	19	Marion	6	9
Greene	19	29	Pickens	7	10
Perry	17	25	Dallas	25	37
Bibb	17	25	Total Amt.	636	932

To John McElroy

Above you have a Table shewing the number of Copies of the Journal of the Senate, and House of Representatives, to which each County in this State is entitled. You will Conform in all respects in their distribution, to the instructions heretofore given you in regard to the Acts of the General Assembly, to wit; deliver them to the Clerks of the County Courts. In Counties in which no Clerks have been appointed, to the Judge of the County Court; or

29 depositd. them with some reputable person at the place designated for the seat of justice in any such County. and request the person with whom they may be so deposited, to make known the same in all cases taking the receipt of the person receiving them.

And on ascertaining the receipts as aforesaid to me, you will be entitled to receive a warrant on the Treasurer of this State for the sum of three hundred and twenty five dollars.

I. S. J. Pleasants
Secretary of State.

Secretary of State's Office
25 April 1822.

Alabama Executive Office
Cahawba 11th May 1822.

Hon'ble Josiah Meigs Comr.
Genl Land Office Washington City.
Sir.

In the absence of his Excellency the Governor from the seat of Government, I have the honor to acknowledge the receipt of your letter of the 29th March, and also to transmit herewith, the list of the selections made for the Endowment of the University in Alabama.

A few of the Tracts you will observe are not accurately defined, in consequence of the Surveyor General not having made his returns to the Register at the time the selections were made. These you will doubtless be enabled to correct.

A letter was addressed from this department on the 18th March last, to the Secretary of the Treasury, accompanied with a copy of the list herein inclosed, and informing him that several fractional Sections of the land in the list now forwarded had been sold by the Registers of the Land

office at Tuskaloosa. Should the sale, there made be confirmed by you it is desirable to be informed on the subject, that other selections may be submitted. A list of the Tracts sold is annexed.

The Trustees of our University at last meeting, have ordered the whole of the Lands belonging to that institution to be sold in December and the early part of the ensuing year; You will therefore see the expediency of having the Tract comprising the reservation, designated by official documents from your Department, at as early a period as may suit your Convenience.

I have the honor to be

with great respect Yr.

Most Ob. Servt.

E. J. Pleasants

Secy of State.

Executive Office Aug 25. 1822.

H. Hitchcock Esq.

Atty General.

The Commissioners of Counties having failed to hold the election for Sheriff and Clerks at the time and place appointed by the law of last Session (See pamphlet pa. 69). In case the said Commissioners shall have advertised and held an election at a subsequent day, and at the place appointed by the act, will such Election thus holden be legal and authorize the officers to be commissioned. Your answer to this question of law is requested.

Yrs &c

(Signed) Israel Pickens

31

State of Alabama,
Executive Department,
Cahawba May 25, 1822.

Hon: John Quincy Adams
Secy of State of Ust.

Sir,

Your letter of 1st March as received and with it the printed Copy of the Marshalls returns of the late Census, also a Copy of the digest Journal of the old Congress (4 vols.) In answer to your request that I should designate the names and Situation of the Colleges in this State I have the honor to inform you that one institution only has as yet been established in this State. This was incorporated by the last Legislature under the style of the Trustees of the University of Alabama. It is not located but as it is invested with the land endowment vested by Congress there is no doubt of it being very shortly located and put in operation on an extended scale. The Governor of the State is ex officio President of the board, and I presume will be the officer who would take charge & possession, of the documents which received.

I have the honor to be very respectfully
Your most ob
(Signed) Israel Pickens

April 1822.

Sir,

It is understood that a provision has been made in the act of Congress apportioning Representatives giving to this State the Special indulgence of time to complete the Census in those Counties not returned by the Marshall.

It is deemed to be certainly true if they

is effected by the Time and in the manner prescribed by the provision mentioned, this State will be entitled to three instead of two Representatives in Congress for the next period of ten years.

I understand that the excuse for failure and by some of the persons employed heretofore, was the inadequacy of compensation in certain thinly populated Counties. In order to ensure a prompt execution of the duty of completing the Census of these Counties agreeably to the late act, I have thought it proper to state to you that in any case where the Compensation to be obtained from the General Government shall be insufficient and the service shall be faithfully and promptly performed, provision will be made under the State authority for doing full justice to those concerned. So far at least as shall Comic within the scope of Executive power or influence. Those who shall fail cannot reasonably expect

The returns of Madison and Montgomery which you handed to me after the proper return time, have been transmitted to the Secretary of State of the U.S. and have been taken as legal.

I have lately seen John D. Jones Esqr of Marion County, who states me if you send him a blank Commission he will procure a person who will perform the duty for that County.

You are already sufficiently aware of the importance to that State that the special privilege thus given it should become avoided, any Consideration arising it, will be unnecessary.

I am very Respectfully Yr. most
(Signed) Isaac Pelton

Tobias Vincent Esq
Marshall Chas. Dist.

33

Cahawba Executive Office
May 27th 1822.

General John Coffee
Surveyor General &c.

Sir,

I have received information from the head of the Land Department that the survey of Patents for the University Lands to this State are defered for want of returns from you of the surveys and calculations of Contents of the Tracts.

You are assured that the Board of Trustees of the University have determined on a sale and have appointed the times of sale, the advertisment only is suspended for want of the designation of the Tracts being completed which cannot be effected as it appears without a return of the Contents from your office to the General Land office.

I will also be obliged for a list containing the Contents for the use of the Board.

Knowing the urgency of the necessity of having the requisite return of Contents made with the least possible delay, will be sufficient I am confident to induce you to have it promptly done.

I have requested Mr. Gannon to make a map for the use of the Board exhibiting the ~~land~~ reserved tracts and will be thankful if you will afford him the facility which your office will furnish for its execution.

I have the honor to be
Your most ob.
(Signed) Israel Pickens

M.C.

Calcutta May 27th 1822.

Sir,

You have no doubt seen the receipt of my former letter, upon the last whereby the servicelage is allowed to date of completing our Census. We must to show ourselves entitled to three representatives for the next ten years. The federal numbers returned amount to 111.147. Wanting only 8.853 federal Members of the Complement. Among the Counties omitted are, Washington, Jefferson, Lawrence, Marion and the part of Pickens taken from it. These with Contact nearly on quit 20.000.

I think it important to remark that the Census to be taken should have relation to the Numbers existing on the 1st January of August 1820, and the returns should expressly show that date as the one to which the enumeration relates back. You being the only official organ through we have to look for the Completion of this important object, I doubt not it will be executed with promptness.

I have the honor to be respectfully

Yr. most obt.

(Signed) Gael Bleeker

Talcafini Livingston Esq.
Marshall Alabama Terr.

35

Secretary of States office
Cahawba June 19th 1820.

Joseph H. Mead Esq
Clk Ch C. Blount Cty.

Sir,

Your note of the 10th ulto accompanied with a certificate of the election of Mr. Cody as Justice of the Peace, has been rec'd and would have been replied to at an earlier period, but that the question it contained had to be submitted to the decision of his Excellency the Governor, who was at the time of its receipt absent from the seat of Government.

A change in the boundaries for Military beat can not be considered as vacating the office of either of the Justices in Commission for such beat. Justices of the Peace, although elected by the people of a qualified district of a County, are not confined in their jurisdiction to the particular beat for which they are elected, but may, and do exercise jurisdiction throughout the County. Therefore, no change in the boundaries of a beat, or removal of the justice to any other part of the County than his beat, can be construed into a vacation of his office. Further, if the Military Court change the limits of a beat, so as thereby to throw a justice of the Peace out of the limits of the beat for which he was elected, and thus vacate his office, it would be making the Military paramount to the Civil authority, a doctrine than which there can be none more hostile to the principles of our government.

The Governor enclosing three vols of the Statutes has instructed me to request a Com. for Mr. Cody the justice elect.

I am &c
E. J. Thomas
Secy of State.

No 76

Cahawba
Executive Office June 20 1822.

Joseph Cailland Esq.
Solicitor 5th Circuit.

Sir,

I deem it my duty in virtue of the act of last session entitled "An act in relation to the banking institutions in this State," to ascertain whether the incorporate banks are in the habit of making regular specie payments for their notes and with a view of giving such information of the fact of their [redacted] to be as may ratify the proceedings [redacted] by the 3rd section of said act.

I have therefore to request you to furnish me with a copy of the protest of a Notary Public in case such failure may occur to the Bank at Huntsville.

I have associated with you William Kelly Esq. to aid in such Course as may be taken in relation to the premises.

I am &c.

(Signed) Israel Pickens

Alabama,
Secretary of State Office,
Cahawba July 2, 1822.

Attested
John Lucas, Actary,
Secretary State Actary,

Sir,

Pursuant to an act of the General Assembly of this State, passed 3rd Nov. 1820, I have the honor to transmit herewith, for the use of the Executive of the United States, four copies of the acts and Resolutions passed

on the third Sefsion of the General Assembly of this State. (Permit me to request, that you acknowledge the receipt of these Copies as soon as it may be convenient. I have the honor to be, with great respect your most obt. Servt.

G. L. Stryant
Secretary of State.

(Circular)

The State of Alabama.
Secretary of State's Office,
Cahawba, July 1st, 1822.

To His Excellency,
The Governor of the
State of Maine,
Sir,

Pursuant to an act of the General Assembly of Alabama, I have the honor to transmit to your Excellency three Copies of the acts and Resolutions passed in the third Sefsion of the Legislature of this State. One Copy for the use of the Executive Department, and one Copy for each branch of the Legislature.

It is further made my duty to solicit an Exchange the laws and Sefsion acts of the State over which you preside. Permit me to request, that you acknowledge the receipt of these Copies as soon as it may be convenient.

I have the honor to be,
with great respect, your
Excellency's most obt. Servt.
G. L. Stryant
Secretary of State.

Same as above to ~~each~~ the Governors of each State in the Union. G. L. S.

Alabama,
Secretary of State's Office
Cahawba July 5th 1822.

Hon. Jno. Harvard Esq.
Secretary State of
New Hampshire,

Sir,

Your letter of the 21st Sept: 1821 informing that you had packed in a box directed to his Excellency the Governor of Alabama, three Copies of the Statute of New Hampshire, was received in due Course of Mail. The Statutes were received a few days since.

In reply to your enquiry whether the State of Alabama Counts to the Biennial exchange proposed in the Resolution of your State, I have the honor to inform you, that the State of Alabama, by an Act passed the 3rd of December 1820 has made it my duty to transmit annually to the Executive of each State in the Union such a request that they transmit in exchange a like number of their acts, three Copies of the acts and Resolutions passed at each Session of the General Assembly — and in Conformity with the said act I have (on the 1st Inst.) conveyed a package to his Excellency the Governor of New Hampshire containing the number of acts thus directed to be transmitted.

I have the honor to be &c
&c
W. L. Pleasants
S. State

Secretary of State's Office
Saltlake July 17th 1852.

Francis T. Franks Esqr
Clerk Board Co. Comrs Greene Cty.

Dear Sir

I herewith transmit you Commissions for Jorge Sharp and David Hill Esqrs, as Justices of the Peace for the County of Greene.

As to your enquiry "whether the circumstance of a Justice of the Peace having moved out of his Beat, and not out of the County disqualifies him from acting as such," I have to observe, that Justices of the Peace, although elected by the qualified Electors of a Beat, are not confined in their jurisdiction to the particular Beat for which they are elected, but may, and do exercise jurisdiction throughout the County; Therefore, no change in the boundaries of a Beat, or removal of the Justices to any other part of the County, can be construed into a vacation of his office. This question has been on a former occasion submitted to the consideration of the Executive and decided by the former as here stated.

If the Election of the Justices for whom Commissions are herein transmitted, has been held, in consequence of the removal of the former incumbents from other Beats, and not from the County, it will be expected to fill the Commissions; of which be pleased to inform me, that the Justices already in Commission, may be vacated on our Registers.

I am &c.
E. A. Pleasant
Secy of State.

50

State of Alabama.
Department of State,
Cahawba Aug: 24, 1822.

Executive of the State
of Louisiana.—
Louis T. Caroff
Pres: Secretary

Sir,

I am directed by the Governor to acknowledge the receipt of your letter of the 26th May, and also, that of the Copy of the "Partidas"— Transmitted to the Governor in pursuance of an act of the General Assembly of Louisiana.

I am &c.

E. S. Peyton
Secretary of State

Department of State.
Cahawba Aug: 31, 1822

Sir,

Mr. Robert Lewis has entrusted your decision to the Sheriffalty of Mobile— The only reason of those stated by Mr. L., entitled to serious consideration is, that you are a public defaulter to the County of Mobile, without at present, ~~[illegible]~~ determining the point, whether Sec: 27 Art: 3. Con: A. Applies to County defaulters, or is intended to relate to any other than those in default to the State, I am directed by the Governor to express you of the Contents on the part of Mr. L., and to inform you that any evidence you may wish to lay before the Executive touching the premises will receive the most prompt attention

It is not necessary for me to state all the pleas advanced by Mr. L in support of the

contest — The reason stated, is the one which prevents the opening of a Com. to you — and it is to that alone, I am directed by the Governor to call your attention.

I am &c.

S. S. Stevens Sec.

Henry V. Chamberlain Esq
Maine.

Alabama — Department of State
Cahawba Aug: 31, 1821

Sir

I am directed by the Governor to acknowledge the receipt of your letter of the 17th June — and also, the two copies of the acts of the Legislature of Tennessee passed at their last session.

I am &c.

S. S. Stevens
Sec. of St.

Danl. Graham Esq
Secry of Tennessee
Murfreesborough.

Department of State
Cahawba Aug. 31. 1821.

Sir,

In the absence of the Governor, I have the honor to acknowledge the receipt of your letter of the 16th July — and also, the Pamphlet containing the acts of the Legislature of Maine, passed at their last January session. I have also to acknowledge the receipt of a copy (in two volumes) of the Statutes of your State, received some time since, unaccompanied with any official Communication; for which we are requested to tender our thanks.

I am &c. S. S. Stevens
Sec. of St.

The Secretary of the
State of Maine Portland

47

State of Alabama.

Department of State

Cahawba aug: 31, 1822

Andrew Gregg Esq.
Secy of State of
Pennsylvania

Sir,

By direction of the Governor, I have the honor to acknowledge the receipt of your letter of the 6th inst: accompanied with three copies of the Pamphlet laws of the last Session of the General Assembly of the Pennsylvania.

The State of Alabama Consents to the interchange of Laws proposed by your State – and as evidence of her anxiety on this subject, I have only to refer you to my letter of the 1st of July, accompanied with three copies of the acts of the Legislature of this State, addressed to his Excellency the Governor of the Commonwealth of Pennsylvania.

I have the honor to be &c

H. I. Pleasants

Sec of S.

Executive Office aug. 28, 1822.

Col. Wm Peacock

Qr. Mr. Gen.

Sir,

You will deliver at Cahawba to the order of Col. John Forsyth, twenty stand of public arms when called for.

Respectfully &c

(Signed) Israel Pickens

Greenwood Augt: 28, 1822.

Sir,

Agreeably to the representation of the Intendant and Council of Claiborne, I have deemed it necessary to transmit to that place, twenty stand of arms, and have ordered the Quarter Master General to issue and deliver them to your order at Coliaute. You bearing the expence of transportation. On delivery of the arms to the officer commanding the volunteer Company of the Lion of Claiborne, you will take bond in the sum of $1400 for the safe keeping, and the due and proper care of said arms, and for their delivery when required by the Governor. You are hereby authorized to require the delivery of the arms for inspection quarterly or oftener if deemed advisable and you will report the same to me.

You are referred to the act of the last and the preceding annual sessions on this subject.

I am &c.

Col John Fayle
Aid de camp

(Signed) Gineal Pickens

Leroy Pope Esqr.
President of the Bank
at Huntsville

Executive Office
Cahawba Septr. 24th 1822.

Sir — I have been desirous so far as the means in my power were applicable to discharge the debt due from the State to the Huntsville Bank, agreeably to the intention of the act passed on that subject. Since it was understood, that the payment made agreably to the legislative resolution by the Collectors of Limestone and Madison were not sufficient in amount to discharge the whole debt, the Collector of Laurence was instructed to pay over to the Bank the amount of his collections which were understood to have been long since made and in the paper of that Bank. This payment if made is believed to be at least sufficient to satisfy the whole debt, especially if the tax imposed on the

Institution be taken into view.—

I have not learned whether this payment by the Lawrence Collector has been made — nor have I ever yet been favoured by any Statement from your Cashier shewing the debt interest and Credits. For such a statement I repeat the request to be favoured as soon as convenient, that any balance may be paid off at the earliest period practicable. In the Statement requested, it is desired that the tax be included among the credits

I notice in the State paper the Comptrollers advertisement of notice to the president of the Bank, which the law required him to make. Notwithstanding this it is not intended to receive any of the taxes from the institution beyond what may be a balance after satisfying the debt due by the State. In arranging this matter therefore no difficulty is anticipated.—

I have the Honour to be very respectfully

Your most Obt. Israel Pickens

His Excellency Walter Leake
Governor of the State of
Mississippi. Natchez

State of Alabama.
Executive Office
Cahawba Sept. 24. 1822.

Sir — I am informed by the Commander of the Ordnance Department, that measures have been recently taken for distributing among the States according to the Militia strength, the arms due to each; under the act of Congress on the subject; but that the returns are not complete enough to enable the ascertainment of the quota due to this State for several years, two of which were 1816 & 1817 (prior to the division of the Territory)— If returns were taken for those years within the Counties that now compose Alabama, they were necessarily made to the Executive department of Mississippi. Those Counties were Madison, Marlington, Mobile, Baldwin, Monroe & Clarke.

I have the honour to request you to cause the returns to be examined for those years and to

favour me with the result.—)

Indisposition during the two past months has prevented me from resuming the correspondence with you, which our predecessors had commenced, on the subject of settlement of accounts between the States of Mississippi & Alabama. This I had contemplated, not that the concluding letters of the former correspondence promise any favourable result; but because I am desirous on conformity with the resolution of the Legislature of this State, that the difference should be adjusted on terms that may be liberal and just: And because I have the gratification to believe that this sentiment will be mutual between us; and that the subject will be fairly considered with that Confidence on both sides, which the common courtesy of States ensures between their authorized agents. I am however necessarily prevented by the terms of the last Communication from your predecessor to the late acting Governor of this State, from proceeding farther, until I shall be favoured with your sentiments in relation to the discussion of the subject.—

I have the Honour to be with sentiments of the highest consideration and respect— Your Excellency's most ob.t

—Israel Pickens

Col. John Hamer
late adj.t Gen.l A. T.
Cossetville— ala.

Executive Office
Septr. 28th. 1822.—

Sir— I am informed by the Commander of the Ordnance department that steps are taken at the War department to distribute Arms among the States in proportion to the Military strength of each State and Territory during each year under the Law of Congress on the subject, and that there is a deficiency in the returns from this State or Territory for 1816. 1817. 1819 & 1821— During the year 1819 you were the adjutant General, and I have therefore thought it possible you might be in possession of returns shewing the Military strength of the Territory during that year.——

If so I will thank you to favour me with the same.

Any intelligence you can furnish also relative to the returns of the preceding years above named will also be very acceptable. The first or both of those years were returned if at all to Mississippi. The Government of which has been applied to — I am respectfully yr. most Obt.

Israel Pickens

Alabama —

Department of State
Cahawba Ala Oct. 1822.

Hon.
John Q. Adams
Secretary of State of the U.S.

Sir,

I have the honor to acknowledge the receipt of your letter of the 12 inst. — and I herewith, pursuant to your request, transmit you four Copies of the Acts and Resolutions passed at the 2 no Session of the General Assembly of this State.

I am requested by the President of the Board of Trustees of the University of Alabama (Governor Pickens) to acknowledge the receipt of a Copy of the Penal Laws of Georgia — the other documents mentioned in your letter of the 5th ult. to him have not been received.

I have the honor to be,
Sir most obt. Servt.
L. E. Thornton
Secretary of State.

47

Alabama—

Executive Department

Cahawba Sept. 9th 1822.

William Kelly Esq.

Huntsville. — Sir,

I received by last mail the documents enclosed in your letter of the 22nd ult. which (I had expected for some time).

I have enclosed herein a letter of instruction to the Solicitor of the 5th Judicial Circuit under the authority of the 3rd Section of the act of 17th December 1821 entitled "An act in relation to the Banking institutions in this State" and directing the proceedings contemplated by said Section against the President Directors and Company of the Planters and Merchants Bank of Huntsville for failing to make regular specie payments at the expiration of six months after the passage of said act.

I have deemed it proper and do hereby appoint you as an Attorney on behalf of the State, to be associated in the said prosecution or proceedings with the said Solicitor, which appointment is also made known in the said letter of instructions. I am &c

(Signed) James Clark

(Letter referred to in the proceedings)

Executive Office

Cahawba Sept. 9th 1822

Joseph Cabell Esqr

Solicitor 5th Judicial

Circuit — Huntsville

Sir,

Pursuant to the provisions of the third section of the act of the General Assembly of this State of Alabama passed the 17th of December 1821, entitled

The act in relation to the Bruckenridge Institution in this State" and in virtue of the power and duty conferred by said section on the Executive, you are hereby informed that at the expiration of six months after the passage of said act the President Directors and Company of the Planters and Merchants Bank of Huntsville did not make regular specie payments for the Bills and notes it had issued.

You are therefore directed forthwith to proceed against said Corporation as a unit of Quo Warranto requiring it to show cause why its corporate powers privileges and immunities should not be adjudged to be forfeited and the said Bank dissolved.

I have deemed it proper to associate with you in this prosecution, William Kelly Esquire of Huntsville, who is hereby authorized accordingly. I am &c.

(Signed) Israel Pickens

Alabama Executive Department
Cahawba Sept. 16, 1822

Hon. B
Wm. H. Crawford
Secy Treasury U.S.
Washington City.

Sir,

The last act of Congress providing among other things for the repayment of the fund of three per cent reserved ~~upon the sales~~ to this State out of the nett proceeds of lands sold therein after the first of September 1819 having a reference to the third section subjecting such repayment to certain limitations, the effect of which it is a matter of interest

to the State to learn, I have therefore, the honor to request such information as may exhibit the situation and account of their funds up to the last settlement and a knowledge of the probable period when it may be realized by the State conformably with the aforementioned grants.

A Statement had been received at a former period by my predecessor from the Commissioner of the General Land office purporting to exhibit the net proceeds on which the amount of Mississippi stock was received, was deducted (together with the incidental expenses) from the gross amount of sales. The deduction of the Miss. stock & [redacted] was considered and without full Consideration, such an item not being fairly embraced under the head of incidental expenses.

I will be desirous to obtain the information requested in order to be laid before the Legislature of the State which assembles on the 3rd Monday in November next.

I am &c

(Signed) Levi Woodbury

Treasury Office
Columbia Feb. 23, 1832

Gen. John Coffee
Surveyor Genl. Huntsville.

Sir,

The Secretary of the Treasury informed me that the Surveyor General was to furnish me with a Statement shewing the Calculations of Contents of the University tracts, I also had the promise from your office of a map shewing their Contents. I have not as yet been favored

with this map and list of contents, which I fear will produce very serious inconvenience; as the first sales are to be early in December and the patents necessary previous to those sales cannot issue until those contents are known here and at Washington. Without those contents we can not complete the complement to which the State is entitled.

I beg of you to forward with the least delay possible, a statement of contents to this office and to the General Land Office, if such be not yet forwarded. I am &c.

(Signed) Josiah Pickett

Alabama
Executive Department
Cahawba 23 Sept: 1822

Gentle
Wm H. Crawford
Secy Treas. U.S.
Washington

Sir

I have thus long delayed transmitting to the Treasury Department a list of remaining Selections of tracts to complete the reservations of College land, under the hope of receiving the College Surveyor Generals statement, shewing of fractions that had been merely returned, and enabling the proper complement to be selected. Not being yet favored with such statement I am compelled for want of longer time to shew, to submit the selection of such & may nearly suffice to fill the complement. Others will be transmitted as soon as the Certificates and Returns, if none be left for

51 more. The first day of sale is convenient to be the wednesday after the 2nd monday of December next. This is however only for the lands in Monroe and Conecuh Counties. (There are in Township 4 in the Conecuh District & Township 6. 7 & 8 in the Cahawba District. — The other sales are to be in February and March. Here I would suggest, that, even if the whole selection be not now suspected that, it might be expedient to be obtain the Patents for the land to be offered first.

The list of selections now submitted ad-
joins the tract heretofore reserved near Tennessee river, in Township 4 Range 11 East in the Huntsville District, and each tract or quarter section is contiguous to the former reserve within the meaning of the Law as regards to the Canal lands — There consist of eight Quarter Sections, Viz. entire Sec. 12. of T. 6. & S. E. 28 N. E. 34 N. E. 17. in T. 4 R. 11 E.

The sale at the Tuskaloosa Land Office of those tracts of land reserved under the Canal lands as estimated were found Correct, admit a few unless of those 8 Quarters. the Commissioner on the difficulty of ascertaining by the Surveyor General's Calculations any remaining quantity will be immediately transmitted

I am respectfully
Yr. most ob. Servt.
(Signed) Jno. Pickens

54

State of Alabama
Executive Department
Cahawba Nov. 14, 1822.

John A. McLean Esq.
Com. General Land office
Washington City.

Sir.

The lands reserved for the endowment of a Seminary of Learning in this State have & presume been returned with the Surveyor Generals map. These lands have been promised by your predecessor as soon as soon as this map should be received. Shewing the Contents. The map returned shews a deficit of about two sections to complete the seventy two sections. I some time ago forwarded a list of quarter sections to complete the complement to the Secretary of the Treasury, to whom I refer you for the reasons. when I inform you that the sale of these lands is advertised by the Trustees of the University you will excuse me for requesting that the returns be made out and transmitted at as early a period as may be convenient.

I have the honor to be,
respectfully your most obt.
(Signed) Israel Pickens

53

Head Quarters
General Order,
December 13th 1822.

The proceedings and decision of a General Court Martial held at Claiborne on the 2nd Monday of November 1822 of which Major General Thomas H. Farrar, was President for deciding a contested election of a Major General of the 4th Division of the Militia of this State, having been recently laid before the Executive of this State as Commander of in Chief, and the same having been duly considered, it is deemed proper to make known the proceedings and the determination thereupon.

There proceedings set forth that after hearing both parties by their Counsel, no evidence on either side being offered to the Court, excepting that of objection filed by the Contesting Candidate and the return of the Election made by the returning officer, whereby it appeared that Joseph B. Chambers was elected by a majority of 15 votes over Jack T. Pope: whereupon, the Court decided that the said Joseph B. Chambers was elected Major General of the said 4th Division.

In the investigation it appears that the Contesting Candidate relied on his plea, that a former Court Martial had made a decision that the said Election was illegal, which plea was not sustained by the Court.

On reference to the Executive General Order of 20th December 1821, the grounds for not sustaining the former decision alluded to in the plea will briefly but plainly appear. It will only be necessary here to notice that the grounds were, 1st- That the Court was illegally Constituted and therefor that its decision was void- 2nd- That the decision

was incorrect on its merits on ground apparent on the face of the proceedings.

On the latter ground alone, had the Court itself been a legal one, the determination should most probably have required merely a re-examination by the same body. But on the first ground, in which it was considered that the deciding Court was illegal in its very Constitution such a determination calling the illegal tribunal to a rehearing would have been inconsistent. This illegality being decided to exist, and arising from a material defect in the manner of selecting a part of the Court in an exceptive stage of the proceedings, while they were pending and undecided, it was supposed correct to order a General Court Martial to be holden in the manner prescribed by law, without any restriction that it should or should not be composed either on whole or in part of the members of the preceding Court — leaving the selection and detail to be determined by the discretion of the officer expressly entrusted by law with that power. The Court Martial thus ordered have composed the Tribunal whose proceedings and decision are now under review.....

Wherefore the decision of the said Court Martial of which Major General Thomas MF Jarman was President, is approved, and the injunction of secrecy in regard to the proceedings of said Court is hereby removed, and the said Court is dissolved

By order of the Governor.

(Signed) John Gayle Jr

Secretary